

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): WAX, Martin B. et al. EXAMINER: Not known yet

SERIAL NO.: Not known yet GROUP ART UNIT: Not known yet

FILED: March 11, 2004

FOR.: METHODS FOR TREATING GLAUCOMA

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98, this Information Disclosure Statement includes Form PTO-1449:

1. listing documents including patents, publications and other information for consideration by the Examiner, however, since the subject application was filed after June 30, 2003, copies of United States patents, and/or United States patent applications, and/or United States patent application publications are not included in this information disclosure statement; and/or
2. listing documents including patents, publications and other information that have been previously cited or submitted to the Patent Office in prior application U.S. Serial No. 6,531,128, registered on March 11, 2003 and U.S. Serial No 09/591,561 filed on June 13, 2000, which is properly identified and relied on for an earlier effective filing date under 35 U.S.C. 120 for consideration by the Examiner; however, in accordance with 37 C.F.R. 1.98(d), copies of such documents are not included in this information disclosure statement; and/or
3. listing documents including patents, publications, and other information for consideration by the Examiner, copies of which are included with this information disclosure statement;

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4. listing other information for the Examiner's consideration which was cited in a communication from a foreign patent office in a counterpart foreign application, a copy of which is included with this information disclosure statement.

The information herein cited is only in fulfillment of Applicant(s) duty of candor in disclosing all information brought to Applicant(s) attention. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art". If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant(s) reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant(s) further reserve(s) the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each and every document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application and is evidence that the Examiner has considered the document.

This Information Disclosure Statement is being filed:

I) Within three (3) months of filing the subject Application or entry of the subject Application into the national stage or before mailing of the first Office Action on the merits of the subject Application or a request for continued examination thereof, whichever event occurs last pursuant to of 37 C.F.R §1.97 (b); or

II) After the period specified in (I) but before the mailing date of either a final Official Action under 37 C.F.R §1.113 or a notice of allowance under 37 C.F.R §1.311 whichever occurs first and;

1. the undersigned hereby states that each item of information listed on the Form PTO-1449 was either (i) cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to

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the filing of this Information Disclosure Statement or (ii) not cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, not known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this information disclosure statement; or

2. the undersigned hereby authorizes the Patent Office to charge the fee in the amount of \$180.00 under 37 C.F.R. §1.17 (p) to Deposit Account 05-0649.

III) After the period in (I) and (II) but before the payment of the issue fee and,

1. The undersigned hereby states:

a) that each item of information cited on the form PTO-1449 was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement; or

b) that no items of information contained in Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; and

2. The undersigned hereby authorizes the Patent Office to charge the Petition fee in the Amount of \$180.00 under 37 C.F.R. §1.17 (p) to Deposit Account 05-0649.

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Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 05-0649.

Respectfully submitted,

Mark S. Cohen
Attorney for Applicant(s)
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Dated: March 11, 2004

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	UNKNOWN
				Filing Date	MARCH 11, 2004
				First Named Inventor	WAX, Martin B.
				Group Art Unit	1646
				Examiner Name	O'HARA, E.
Sheet	1	of	2	Attorney Docket Number	
P-3023-US2					

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	UNKNOWN
				Filing Date	MARCH 11, 2004
				First Named Inventor	WAX, Martin B.
				Group Art Unit	1646
				Examiner Name	O'HARA, E.
Sheet 2 of 2	Attorney Docket Number	P-3023-US2			

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
N		Yan X, et al., "Matrix Metalloproteinases and Tumor Necrosis Factor-alpha in Glaucomatous Optic Nerve Head", Archives Ophthalmol 2000; 118:666-673.		
O		Tezel G, et al, "Increased Production of Tumor Necrosis Factor-Alpha By Glial Cells Exposed To Simulated Ischemia Or Elevated Hydrostatic Pressure Induces Apoptosis in Co-Cultured Retinal Ganglion Cells: The Journal of Neuroscience 2000; 20:8693-8700.		

Examiner Signature		Date Considered	
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